

SAFER CONSUMER PRODUCTS

PART II

- **SLATE: Alternative Analysis**

SOT of Debbie Raphael – DTSC Director

An alternatives assessment is not something that we invented here at DTSC. It's not something new even to industry. If you go to industry and say...do you do alternatives assessment? They'll say well actually we do...we look at alternatives all the time. What's different here is we're asking them to select the alternative that minimizes harm...the alternative that doesn't impact or minimizes the impacts on human health and the environment. We're asking people to elevate that along with cost and performance. The key thing about doing an alternative assessment is that you can't do one on a single chemical. It is not possible to ask is formaldehyde necessary, is lead necessary because the question is...in what? For what purpose? The alternatives assessment comes into play once we have paired that chemical with a consumer product where there's an exposure pathway. Once that chemical is in a product and we believe that there's strong evidence that exposure to that chemical is happening or is potentially possible that's when we say is it necessary to make that product with that chemical in it. What are the alternatives? Look at the science of the different alternatives. Look at the performance attributes of the different alternatives and at the end of your analysis...ok look at costs...see what you can afford but most importantly look at performance, look at environmental and human health impacts and then make your decision as to 'is it necessary'.

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SOT of Debbie Raphael – DTSC Director

Our plan now is to create a certification program. We want to create an opportunity for businesses not the government to certify that scientists are capable of doing alternatives assessment in a meaningful way that would meet our standards. We will be developing criteria for this kind of a certification program. Then these certified assessors hopefully will find work not just through our department but throughout industry because there will be a demand in the same way that LEED accredited professionals...the people who can help architects build their buildings green...we want

to see these certified alternatives assessors out there having that same business model in store for them as well.

- **SLATE De Minimis -The DTSC approach**

SOT of Debbie Raphael – DTSC Director

What we have done in terms of setting a de minimis...that minimum level below which you aren't captured by our law and our program is we've done something more meaningful than what has been traditionally done in de minimis across the world. Traditionally what government agencies do is they set a de minimis level at 0.1 percent of the product...so .1 percent de minimis. That's not a science space value. That's essentially a convenience value. That's just an easy boundary condition to say .1 percent. What it ignores is the fact that there are certain chemicals that can cause harm at much smaller levels than .1 percent. Things that cause cancer or have low dose effects as endocrine disruptors. .1 percent may in fact be way too high of a level to set a de minimis. So what we have done now in the state of California is we have changed that from a straight .1 percent to having a two tiered system of de minimis for things that cause cancer and endocrine disruptors: Severe impacts...chronic impacts...those have a lower de minimis level. Also what we've done is we've built in the ability to adjust the de minimis should science show us it's either too high or too low. We've built in flexibility to actually make the de minimis a science based not a convenience based measure.

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